

BILL NO. Z-88-0221

ZONING MAP ORDINANCE NO. Z-Book

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. L-2.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is
hereby designated a R-3 (Multi-Family) District under the
terms of Chapter 33 of the Code of the City of Fort Wayne,
Indiana of 1974:

The North 1/2 of Lot 29 except the North 35.8 feet of
Lot 30, Ayres Addition to the City of Fort Wayne,
Indiana, commonly known as 1314 Rockhill Street, Fort
Wayne, Indiana.

and the symbols of the City of Fort Wayne Zoning Map No.
L-2, as established by Section 11 of Chapter 33 of the Code
of the City of Fort Wayne, Indiana are hereby changed
accordingly.

SECTION 2. That this Ordinance shall be in full force
and effect from and after its passage and approval by the
Mayor.

Janet G. Bradbury
Councilmember

APPROVED AS TO FORM AND LEGALITY:

J. Timothy McCaulay
J. TIMOTHY MCCAULAY, CITY ATTORNEY

Read the first time in full and on motion by Bradbury, seconded by Stur, and duly adopted, read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on _____, 19____, at _____ o'clock _____ M., E.S.T.

DATE: 2-23-88
Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Bradbury, seconded by Stur, and duly adopted, placed on its passage. ~~PASSED~~ LOST by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT</u>
TOTAL VOTES	_____	<u>9</u>	_____	_____	_____
BRADBURY	_____	<u>✓</u>	_____	_____	_____
BURNS	_____	<u>✓</u>	_____	_____	_____
GiaQUINTA	_____	<u>✓</u>	_____	_____	_____
HENRY	_____	<u>✓</u>	_____	_____	_____
LONG	_____	<u>✓</u>	_____	_____	_____
REDD	_____	<u>✓</u>	_____	_____	_____
SCHMIDT	_____	<u>✓</u>	_____	_____	_____
STIER	_____	<u>✓</u>	_____	_____	_____
TALARICO	_____	<u>✓</u>	_____	_____	_____

DATE: 3-22-88
SEH/ne
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING MAP) ORDINANCE RESOLUTION NO. _____ on the _____ day of _____, 19____,

ATTEST: SEAL

SANDRA E. KENNEDY, CITY CLERK PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the _____ day of _____, 19____, at the hour of _____ o'clock _____ M., E.S.T.

SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this _____ day of _____, 19____, at the hour of _____ o'clock _____ M., E.S.T.

PAUL HELMKE, MAYOR

RECEIPT

No 2756

COMMUNITY DEVELOPMENT & PLANNING

FT. WAYNE, IND., 1-20 1988

RECEIVED FROM

THE SUM OF

ON ACCOUNT OF

Ann Heathman \$ 50.00
fifty 00/100 DOLLARS

reopening - 1317 Rockledge
Truss

AUTHORIZED SIGNATURE

OK # 3283

R-2 to R-3

PETITION FOR ZONING ORDINANCE AMENDMENT :

RECEIPT NO. _____

THIS IS TO BE FILED IN DUPLICATE

DATE FILED _____

INTENDED USE Rental Units

I/We Jeffrey S. Parrot
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an R-2 District to a/an R-3 District the property described as follows:

The North 1/2 of Lot 29 except the North 35.8 feet of
Lot 30, Ayres Addition to the City of Fort Wayne, Indiana,
commonly known as 1314 Rockhill Street, Fort Wayne, Indiana

(Legal Description) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED:

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition. 11/14/88

<u>Jeffrey S. Parrot</u>	<u>1314 Rockhill</u>	<u>Jeffrey S. Parrot</u>
_____	_____	_____
(Name)	(Address)	(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by _____
(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$50.00)

Name and address of the preparer, attorney or agent.

<u>Jeffrey S. Parrot</u>	<u>816 Bimini Ln. 46815</u>	<u>(219) 749-0764</u>
(Name)	(Address & Zip Code)	(Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street, Fort Wayne, IN 46802 (PHONE: 219/427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

Legal Description of property to be rezoned.

Owners of Property

<hr/>	<hr/>	<hr/>
<hr/>	<hr/>	<hr/>
<hr/>	<hr/>	<hr/>
<hr/>	<hr/>	<hr/>
(Name)	(Address)	(Signature)

NOTE: All checks are to be made payable to: CITY OF FORT WAYNE

This form is to be filed in duplicate.

NOTICE:

FILING OF THIS APPLICATION GRANTS THE CITY OF FORT WAYNE PERMISSION TO POST "OFFICIAL NOTICE" ON THE PETITIONED PROPERTY.

FAILURE TO POST, OR TO MAINTAIN POSTING CAN PREVENT THE PUBLIC HEARING FROM BEING HELD.

Paid \$50.00 1/14/88
Check no. 2283

ORIGINAL

ORIGINAL

DIGEST SHEET

TITLE OF ORDINANCE

Zoning Ordinance Amendment

DEPARTMENT REQUESTING ORDINANCE

Land Use Management - CD&P

SYNOPSIS OF ORDINANCE

1314 Rockhill Street

Z-88-02-21

EFFECT OF PASSAGE

Property is presently zoned R-2 - Two Family Residential.

Property will become R-3 - Multi-Family Residential.

EFFECT OF NON-PASSAGE

Property will remain R-2 - Two Family Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings)

(ASSIGN TO COMMITTEE (J.N.))

FACT SHEET

Z-88-02-21

BILL NUMBER

**Division of Community
Development & Planning****BRIEF TITLE****APPROVAL DEADLINE****REASON**

Zoning Ordinance Amendment
From R-2 to R-3

DETAILS**Specific Location and/or Address**

1314 Rockhill Street

Reason for Project

Convert Duplex into a tri-plex.

Discussion (Including relationship to other Council actions)22 February 1988 - Public Hearing

See Attached Minutes of Meeting

29 February 1988 - Business Meeting

Motion was made and seconded to return
the ordinance to the Common Council with
a DO NOT PASS recommendation. Motion
carried.

Of the eight (8) members present seven (7)
voted in favor of denial one (1) did not
vote.

POSITIONS**RECOMMENDATIONS****Sponsor**

City Plan Commission

Area Affected

City Wide

Other Areas

**Applicants/
Proponents****Applicant(s)**

Jeffery Parrot
City Department

Other

Opponents**Groups or Individuals**

West Central Neigh Assn
Carol Salge, Pres

Basis of Opposition

-area is predominatly single
family this rezoning would
not be in keeping with the
preservation of the neigh-
borhood

**Staff
Recommendation**☐ For ☒ Against**Reason Against**

-could cause adverse impact in
area - would substantially
deviate from uses in area

**Board or
Commission
Recommendation****By**☐ For ☒ Against
☐ No Action Taken

☐ For with revisions to conditions
(See Details column for conditions)

**CITY COUNCIL
ACTIONS
(For Council
use only)**

<input type="checkbox"/> Pass	<input type="checkbox"/> Other
<input type="checkbox"/> Pass (as amended)	<input type="checkbox"/> Hold
<input type="checkbox"/> Council Sub.	<input type="checkbox"/> Do not pass

DETAILS

POLICY/ PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start

Date 20 January 1988

Projected Completion or Occupancy

Date 8 March 1988

Fact Sheet Prepared by
Patricia Biancaniello

Date 8 March 1988

Reviewed by
Greg Barts

Date 21"/88

Reference or Case Number

Minutes
22 February 1988

Mr. Parrot stated he did not.

Mrs. Stam questioned Mr. Parrot if he obtained title insurance.

Mr. Parrot stated he believed so.

Mrs. Stam stated that the correct zoning should have appeared on the title insurance. She stated that she agreed with Councilwoman Bradbury that Mr. Parrot had the opportunity to find out what the true zoning was, and felt it was not the Commission's job to correct an error that Mr. Parrot made.

Angie Derheimer questioned if the staff would elaborate on the downzoning process that took place in the area.

Gary Baeten, Senior Planner with CD&P stated that the downzoning took place in 1980. He stated that this property was a part of a much larger area that was downzoned from R-3 to R-2 by the West Central Neighborhood Association. Mr. Baeten also stated that the parking requirements for multi-family use is 1 1/2 spaces per unit. He stated that if zoned for use as a triplex it would require 5 off street parking spaces.

John Shoaff introduced two letters of opposition into the record. He stated one of the letters had a petition with several signatures of area residents attached.

Carol Salge, President of the West Central Neighborhood Association appeared before the Commission. Ms. Salge stated that the residents feel very strongly that this petition be denied. She stated that this area of West Central is predominantly single family with a few duplexes. She stated that this area contains only a few multi-family residences all of which were existing before the 1980 downzoning. She stated that the purpose of the downzoning was to increase property values and improve the appearance of the neighborhood and to stabilize the growing number of multi-family rental units being established in the neighborhood. She stated that they felt granting this petition would open the floodgate for more rezoning petitions for multi-family use, which would defeat the purpose of the downzoning.

In rebuttal, Mr. Parrot stated that he did not feel that what he intended to do would decrease the property values. He stated that by upgrading the house it would increase the property value.

There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning.

+

- a. Change of Zone # 326
From R-2 to R-3
1314 Rockhill Street

Jeff Parrot, owner and petitioner appeared before the Commission. Mr. Parrot stated that when he purchased the property he was given the impression that the property was zoned R-3. He presented the Commission with a letter from the real estate agent stating that it was listed as an R-3 when he purchased the property. He stated that the house is currently setup as a duplex and it is an economic hardship on him. He stated that he felt there was a need for housing in the West Central area.

Mel Smith questioned if Mr. Parrot lived at the address.

Mr. Parrot stated he did not.

Mel Smith questioned how many units he wanted to convert the structure to.

He stated that he wanted to make the structure a triplex. He stated it is currently being rented as a duplex.

Mel Smith questioned if there was adequate parking in the area.

Mr. Parrot stated that he had two parking spaces in the rear of the property.

Janet Bradbury questioned the staff attorney what bearing the letter would have simply because a real estate agent said it was R-3. She stated she was not sure if that carries any weight or should have any affect on this case.

David Wright, Plan Commission attorney, stated it did not have any bearing in his opinion.

Mr. Parrot stated that before he had realized it was an R-2 he had already purchased the material to convert the building into a triplex.

John Shoaff read an excerpt from the letter written by the real estate agent who had sold Mr. Parrot the property. He stated that a Mrs. Heathman wrote, "It was my understanding the property was zoned R-3 and this is the information I gave Mr. Parrot on two different occasions."

Yvonne Stam questioned Mr. Parrot if he had made a written offer for the property and specify in writing that the property should be R-3.

Mr. Parrot stated he was not sure he understood.

Mrs. Stam questioned that when he bought the material did he do it before he closed on the property.

BILL NO. Z-88-02-21

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS
REFERRED AN (ORDINANCE) ~~(RESOLUTION)~~ ^{XXXXXXXXXX} amending the City
of Fort Wayne Zoning Map No. L-2

HAVE HAD SAID (ORDINANCE) ~~(RESOLUTION)~~ UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) ~~(RESOLUTION)~~ Do Not Pass

YES

NO

Janet G. Bradbury JANET G. BRADBURY
Mark E. GiaQuinta CHAIRPERSON
Charles B. Redd MARK E. GIAQUINTA
David C. Long VICE CHAIRMAN
Paul M. Burns CHARLES B. REDD
DAVID C. LONG
PAUL M. BURNS

CONCURRED IN 3-22-88

Sandra E. Kennedy
Sandra E. Kennedy
City Clerk



1210 BROADWAY, FORT WAYNE, IN 46802

March 21, 1988

TO: ALL CITY COUNCIL MEMBERS

FROM: WEST CENTRAL NEIGHBORHOOD ASSOCIATION, INC.

RE: 1314 ROCKHILL PETITION FOR REZONING

At the regular March Association meeting, held on March 21, 1988 it was decided that the Association reaffirm its decision that we go on record as opposing the rezoning of 1314 Rockhill St. The vote was unanimous in favor of this opposition.

Our reasons for this opposition have not changed since this petition for rezoning was first introduced. As I am sure you are aware, this area of West Central was downzoned in 1980 from an R-3 to an R-2. The residents of West Central worked very long and tedious hours accomplishing this goal. The residents felt that this project would help to stabilize the growing number of multi-family rental units in this area. They also felt that it would help property values as well as the appearance of the neighborhood.

I submitted to the Plan Commission a petition containing 27 signatures of residents that were in opposition to this rezoning. I also spoke to the Plan Commission as being in opposition to this rezoning request. The residents feel that if this rezoning request were to be approved that we would lose all that we have tried so desperately to accomplish with the downzoning project.

We are asking that your decision on this case be that of a denial. We sincerely hope that you will take into consideration the views of the residents of the West Central Neighborhood in making your decision on this case. Thank you.

Sincerely,

Carol Salge
Carol Salge
President, W.C.N.A.

Just Broadway.

Jon Rohr
704 Rock Hill -

Philip Schertz.
711 Rock Hill
apartment

Just before the
March 18, 1988

3-19-88

Dear Council Member:

Re: 1314 Rockhill St
purpose re zone
from R-2 to R-3.

When the owner Zone
re 1980 to R-2. I feel it
should stay as R-2.
There is just sufficient
parking & little only
open the three gates
for more to follow.
Please consider for
a vote against the R-3

Zone.
Thank you - Sincerely,

J. Camlinson
894 1/2 Palace Blvd
44802

City Council
City Clerk Office
City County Bldg.
Ft Wayne, In 46801

Dear Council Member:

I understand a request
coming up before City Council
to rezone a property in
the 1300 block of Rockhill
St. from R-2 to R-3

Since the West Central Hwy
again, wanted to get this
whole area rezoned back
R-2 a few years ago, it
is in the best interest
of the neighborhood to
do that way.

Jean Mary Collins
1118 Van Buren St.
Fort Wayne, IN 46802

Sincerely,
Jean Collins

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on February 23, 1988 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-88-02-21; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on February 22, 1988.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO NOT PASS recommendation based on the Commission's following "Findings of Fact".

(1) the grant will be injurious to the public health, safety, morals and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will be affected in a substantially adverse manner;

(3) the need for the rezoning does not arise from conditions peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

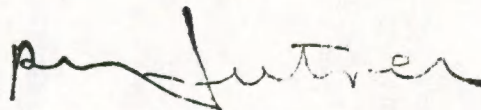
(4) the strict application of the terms of the zoning ordinance will not constitute an unusual and unnecessary hardship to this property;

(5) the grant interferes substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held February 29, 1988.

Certified and signed this
4th day of March 1988.



Robert Hutner
Secretary

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING
THE DESCRIBED PROPERTY FROM AN R2 DISTRICT TO AN R3 DISTRICT.

COUNCILMANIC DISTRICT NO. 4

